

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In The Matter Of )  
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Service Rules for Advanced Wireless )  
Services in the 1.7 GHz and 2.1 GHz Bands )  
of Parts 1, 22, 24, 27, and 90 to Streamline and )  
Harmonize Various Rules Affecting )  
Wireless Radio Services )  
\_\_\_\_\_ )

WT Docket No. 02-353

To: The Commission

**QUALCOMM INCORPORATED’S COMMENTS ON  
PETITION FOR RECONSIDERATION**

QUALCOMM Incorporated (“QUALCOMM”) hereby submits these comments on the petition for reconsideration of the Report and Order in the above-captioned proceeding<sup>1</sup> filed by Powerwave Technologies, Inc. (“Powerwave”). In its petition, Powerwave asked the Commission to hold in abeyance the rule for base station power to govern operations on the 1.7/2.1 GHz bands (the so-called advanced wireless services or AWS bands), Section 27.50(d)(1), because the Commission has issued a Notice of Proposed Rule Making in its 2002 Biennial Review to consider changes to the rule governing the power of PCS base stations, Section 24.232(a).<sup>2</sup> Powerwave goes on to recite that in the Biennial Review proceeding, based on Powerwave’s submissions, the Commission is considering changing the PCS base station

<sup>1</sup> Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands, Report and Order, WT Docket No. 02-353, FCC 03-252, released November 25, 2003.

<sup>2</sup> Biennial Regulatory Review- Amendments of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, Notice of Proposed Rule Making, FCC 03-334, released January 7, 2004.

output power so that the limit would be 100 Watts per carrier, not per transmitter, or eliminating the limit in its entirety.

QUALCOMM agrees that the rules for base stations operating on the two bands should be harmonized. However, for the reasons set forth in QUALCOMM's Comments in the Biennial Review proceeding, QUALCOMM does not believe that the Commission should adopt a per carrier limit for base station output power because such a limit would discriminate against networks based on the CDMA and WCDMA air interfaces, which use wider channels and thus fewer carriers per MHz, than GSM and TDMA networks, or eliminate any limit altogether. Instead, in the Biennial Review proceeding, QUALCOMM urged the Commission to adopt a technology-neutral limit, which would be consistent with its longstanding policy of adopting and maintaining technology-neutral technical rules, not favoring or disfavoring any air interface. QUALCOMM proposed that the Commission adopt a limit based on EIRP per MHz, specifically a limit of 5040 Watts EIRP/MHz, measured in 1 MHz. This limit would be technology-neutral and would also permit wireless operators to take advantage of improved low noise amplifier technology, which has substantially improved the noise figure of receivers.<sup>3</sup>

Wherefore, QUALCOMM respectfully requests that the Commission harmonize the limits on base station power in the PCS and AWS bands and that the Commission establish a limit of 5040 Watts EIRP/MHz, measured in 1 MHz, for base stations operating on either band.

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<sup>3</sup> A copy of QUALCOMM's Comments in the Biennial Review proceeding is submitted herewith.

Respectfully submitted,

By: /s/Dean R. Brenner  
Dean R. Brenner  
Senior Director, Government Affairs  
QUALCOMM Incorporated  
2001 Pennsylvania Ave., N.W.  
Suite 650  
Washington, D.C. 20006  
(202) 263-0020  
Attorney for QUALCOMM Incorporated

Dated: April 27, 2004

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing was sent by U.S. mail, on this 27<sup>th</sup> day of April 2004 to:

Terry G. Mahn  
Robert J. Unger  
Fish & Richardson P.C.  
1425 K Street, N.W.  
Suite 1100  
Washington, DC 20005

/s/Dean R. Brenner  
Dean R. Brenner